

Michael R McLane  
[mmclane@lynchmurphy.com](mailto:mmclane@lynchmurphy.com)

Lynch Murphy McLane LLP  
Telephone: (541) 383-5857

Matthew A Wand  
[matt@wandlegal.com](mailto:matt@wandlegal.com)

Wand Legal LLC  
Telephone: (503) 680-8180  
1000 SW Disk Dr  
Bend, OR 97702

*Attorneys for Amici Curiae*

Regina Lennox (applied for pro hac vice)

[rlennox@safariclub.org](mailto:rlennox@safariclub.org)

Safari Club International  
Telephone: (202) 543-8733  
501 2nd Street NE  
Washington, DC 20002

*Attorneys for Amicus Curiae Safari Club International*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC., et al.,  Plaintiffs,  v.  KATE BROWN, et al.,  Defendants.	Case No. 2:22-cv-01815-IM ( <i>Lead Case</i> ) Case No. 3:22-cv-01859-IM ( <i>Trailing Case</i> ) Case No. 3:22-cv-01862-IM ( <i>Trailing Case</i> ) Case No. 3:22-cv-01869-IM ( <i>Trailing Case</i> )  CONSOLIDATED CASES <b>UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF PLAINTIFFS</b> <i>(caption continued on next page)</i>
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MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

KATERINA B. EYRE, TIM FREEMAN,  
MAZAMA SPORTING GOODS, NATIONAL  
SHOOTING SPORTS FOUNDATION, and  
OREGON STATE SHOOTING ASSOCIATION,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, Attorney General of  
Oregon, and TERRI DAVIE, Superintendent of  
the Oregon State Police,

Defendants.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF  
IN SUPPORT OF PLAINTIFFS**

**LR 7-1 CERTIFICATION**

Pursuant to Local Rule 7-1(a), counsel for the proposed Amici Curiae certify that they conferred in good faith with counsel for all Plaintiffs and Defendants in the consolidated cases in January, and no party opposed the motion for Amici Curiae to submit an amicus brief then and

counsel is proceeding on the assumption that the submission of the updated amicus brief that is the subject of this motion is still unopposed.

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF**

Proposed *Amici Curiae*, a coalition representing sportsmen's and sportsmen's organizations including Oregon Hunters Association, Congressional Sportsmen's Foundation, the Rocky Mountain Elk Foundation, Sportsmen's Alliance Foundation, Oregon Wild Sheep Foundation, Safari Club International, National Deer Association, Dallas Safari Club, Delta Waterfowl, and Ducks Unlimited (together, the "Coalition"), respectfully submit this Unopposed Motion for Leave to File the Amicus Brief attached as Exhibit A. The Coalition's input will benefit the Court because the Coalition will raise legal arguments not otherwise addressed by Plaintiffs, as well as important considerations regarding the impact of Measure 114 on lawful hunting. The Coalition's members are engaged in the longstanding tradition of hunting in Oregon, and their members are the very individuals most impacted by an effective ban on firearm purchases, which will diminish their ability to carry on and pass on that tradition.

**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION  
FOR LEAVE TO FILE AMICUS BRIEF**

Oregon voters narrowly passed Measure 114, titled "Changes to Firearm Ownership and Purchase Requirements Initiative," which requires a new permit to purchase any firearm and restricts the purchase, sale, and continued ownership of magazines with the capacity to hold more than ten rounds. The Coalition organizations represent hundreds of thousands of hunters who use firearms to hunt, and through this hunting, assist in conservation and management of wildlife and habitat in Oregon. The Coalition's members are significantly injured by the implementation of Measure 114, which is an impermissible infringement on Second Amendment rights. The Court

should exercise its discretion to grant the Unopposed Motion and allow the filing of the brief attached as Exhibit A.

## ARGUMENT

### **I. Identity and Interest of the Proposed Amici Curiae**

Proposed *Amici Curiae* represent hundreds of thousands of sportsmen and sportswomen, recreational shooters, and conservationists. These organizations and their respective members support hunting as a wildlife conservation and management tool. They fund and participate in conservation projects including habitat protection, wildlife restoration, and similar efforts in Oregon. Each organization has members and supporters whose interests are injured by implementation of Measure 114. They purchase, own, and use firearms as a necessary element of hunting and shooting. Their hunting tradition and their ability to introduce youth and new hunters to this tradition will also suffer.

### **II. Amici Curiae Should Be Admitted in this Case**

The Court has broad discretion to admit *Amicus Curiae* in a case. *E.g., Greater Hells Canyon Council v. Stein*, No. 17-CV-843, 2018 WL 438924, \*1 (D. Or. Jan. 16, 2018). The “classic role” of *Amici* is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). “[T]here is no rule that *Amici* must be totally disinterested.” *Funbus Sys., Inc. v. Cal. Pub. Utils. Comm’n.*, 801 F.2d 1120, 1125 (9th Cir. 1986) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.1982)). Rather, the “touchstone” is that the proposed *Amicus* will provide arguments and information that assist the Court’s decision-making. *California v. U.S. Dep’t of Labor*, No.13-CV-2069, 2014 WL 12691095, \*1 (E.D. Cal. Jan. 14, 2014) (citation omitted).

This Court should exercise discretion to grant the Coalition's participation in this case by allowing the filing of Exhibit A. As organizations that represent the interests of hunters and hunting, the Coalition has a strong interest in preventing implementation of a law that will make it essentially impossible to obtain firearms for hunting. The Coalition can explain how Measure 114 infringes on the historical use of firearms for hunting, and why this renders the measure unconstitutional under recent Supreme Court precedent. The Coalition can also explain practical reasons why Measure 114 infringes on hunting rights. The Coalition will fulfill the classic role of *Amicus*.

## CONCLUSION

For these reasons, the Coalition respectfully requests that the Court grant them leave to file the *Amicus Curiae* Brief attached as Exhibit A.

Respectfully Submitted,

DATED this 30th day of May 2023.

LYNCH MURPHY MCLANE LLP

/s/ Michael R. McLane  
Michael R McLane, OSB No. 904435  
1000 SW Disk Dr  
Bend, OR 97702  
(541) 383-5857  
[mmclane@lynchmurphy.com](mailto:mmclane@lynchmurphy.com)

*Attorneys for Amicus*

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[rlennox@safariclub.org](mailto:rlennox@safariclub.org)  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733

*Attorney for Amicus Curiae Safari Club International*

WAND LEGAL LLC

/s/ Matthew A. Wand  
Matthew A Wand, OSB No. 004189  
1000 SW Disk Dr  
Bend, OR 97702  
(541) 383-5857  
[matt@wandlegal.com](mailto:matt@wandlegal.com)

*Attorneys for Amicus*

**CERTIFICATE OF SERVICE**

In accordance with Fed. R. Civ. P. 5(b)(2)(E) and LR5-1, I hereby certify that on May 30, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

DATED this 30th day of May 2023.

LYNCH MURPHY MCLANE LLP

/s/ Michael R. McLane

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1000 SW Disk Dr  
Bend, OR 97702  
(541) 383-5857  
[mmclane@lynchmurphy.com](mailto:mmclane@lynchmurphy.com)

*Attorneys for Amicus*

WAND LEGAL LLC

/s/ Matthew A. Wand

Matthew A Wand, OSB No. 004189  
1000 SW Disk Dr  
Bend, OR 97702  
(541) 383-5857  
[matt@wandlegal.com](mailto:matt@wandlegal.com)

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